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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,709	12/16/2003	Hiroji Akahori	030712-18	3458

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EXAMINER	
SAFAIPOUR, BOBBAK	
ART UNIT	**PAPER NUMBER**
2618	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/735,709	AKAHORI, HIROJI	
	Examiner	Art Unit	
	Bobbak Safaipour	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 August 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) *5-12* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This Action is in response to Applicant's response filed on 8/7/2007. **Claims 5-12** have been withdrawn from consideration. **Claims 1-4** are still pending in the present application. **This action is made FINAL.**

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive.

In the present application, Applicant essentially argues that Sakoda fails to disclóse an information generating means for generating new control information in accordance with supplied direction information and for inserting a transmission power increase signal or a transmission power decrease signal at one of the direction information output timing and the next power change timing based on the direction information.

Examiner respectfully disagrees. Sakoda et al disclose that if the instructions of the received control signal are to control the power value in the direction of allowing it to exceed the power control range, the number of receptions of the control signal is counted (read as new control information), and if the instructions of the control signal received thereafter are to control the power value in the direction of not allowing it to exceed the power control range, the count value of the number of receptions is decreased (also read as new control information), and the power value is not controlled in the direction of not allowing it to exceed the power control range until the count value reaches a predetermined value. (abstract; figure 6; col. 9 line 5 to col. 10 line 38). The recited claim language is given the broadest reasonable interpretation; therefore the previous rejection will apply.

Furthermore, Sakoda discloses that the control unit sends out the power control signal generated based on the control symbol to the transmission unit to increase the transmission power by one dB with the transmission unit (read as insert a transmission power increase signal at one of the direction information output timing). (figure 6; col. 9, lines 31-35) Sakoda also discloses that the control unit sends out the power control signal generated based on the control symbol to the transmission unit, lower the transmission power by one dB with the variable gain amplifier of the transmission unit (read as insert a transmission power decrease signal at one of the direction information output timing). (figure 6; col. 10, lines 29-34)

As a result, the argued features are written such that they read upon the cited references; therefore, the previous rejection still applies.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bontu et al (US 6,418,137 B1)** in view of **Sakoda et al (US 6,226,526 B1)**.

Consider **claim 1**, Bontu et al disclose a filter device comprising: integrating means for integrating control information (abstract, col. 2, lines 24-42; Base station produces a power control bit dependent on SNR) supplied thereto over a period up to being reset, and outputting an integrated value (abstract; Threshold margins are reset when SNR does not exceed an upper threshold margin or fall below a lower threshold margin); direction determining means to which a first threshold value for determining an increasing direction (abstract, col. 2, lines 24-42; In response to the determined signal quality parameter exceeding an upper threshold (i.e. increasing direction) by an upper threshold margin) and a second threshold value for determining a decreasing direction (col. 2, lines 32-36; In response to the determined signal quality parameter being below a lower threshold (i.e. decreasing direction) below a lower threshold) are set in advance, said direction determining means comparing these set threshold values and the integrated value respectively (col. 2, lines 36-44; In response to the determined signal quality parameter not exceeding the upper threshold by the upper threshold margin and not being below the lower threshold by the lower threshold margin) and outputting direction information indicative of a coincident control direction of these results of comparison (col. 2, lines 36-44; Producing a power control bit with a binary value opposite to the binary value of the preceding power control bit).

Bontu et al fail to specifically disclose an information generating means for generating new control information in accordance with supplied direction information and for inserting a transmission power increase signal or a transmission power decrease signal at one of the direction information output timing and the next power change timing based on the direction information.

In related art, Sakoda et al disclose that if the instructions of the received control signal are to control the power value in the direction of allowing it to exceed the power control range, the number of receptions of the control signal is counted, and if the instructions of the control signal received thereafter are to control the power value in the direction of not allowing it to exceed the power control range, the count value of the number of receptions is decreased, and the power value is not controlled in the direction of not allowing it to exceed the power control range until the count value reaches a predetermined value. (abstract; figure 6; col. 9 line 5 to col. 10 line 38) Furthermore, Sakoda discloses inserting a transmission power increase signal or a transmission power decrease signal at one of the direction information output timing and the next power change timing based on the direction information (figure 6; col. 9, lines 31-35; col. 10, lines 29-34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the new control information of Sakoda et al into the transmitted power control of Bontu et al to always enable the transmission with an optimum transmission power.

Consider **claim 2**, and **as applied to claim 1 above**, Bontu et al, as modified by Sakoda et al, disclose the claimed invention wherein the information generating means generates control

information for minimizing a change in transmission power under the condition that the supplied direction information is out of both an increase and a decrease. (Bontu et al: col. 2, lines 23-43)

Consider **claim 3**, and **as applied to claim 1 above**, Bontu et al, as modified by Sakoda et al, disclose the claimed invention wherein the direction determining means determines whether the direction information belongs to either of the increase and decrease and thereby outputs the direction information according to the result of comparison (Bontu et al: col. 2, lines 23-43) and outputs a reset signal for erasing the integrated value corresponding to the result of computation to the integrating means. (Bontu et al: abstract; col. 2, lines 24-42)

Consider **claim 4**, and **as applied to claim 2 above**, Bontu et al, as modified by Sakoda et al, disclose the claimed invention wherein the direction determining means determines whether the direction information belongs to either of the increase and decrease and thereby outputs the direction information according to the result of comparison and outputs a reset signal for erasing the integrated value corresponding to the result of computation to the integrating means. (Bontu et al: abstract; col. 2, lines 24-42)

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to**:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Bobbak Safaipour whose telephone number is (571) 270-1092. The Examiner can normally be reached on Monday-Friday from 9:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Lana Le can be reached on (571) 272-7891. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Bobbak Safaipour
B.S./bs

February 14, 2008

2-18-08
LANA LE
PRIMARY EXAMINER